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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2015 - 11

AN EMERGENCY ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA, REPEALING VILLAGE OF ESTERO ORDINANCE 2015-08, DECLARING AN EMERGENCY; AMENDING VILLAGE OF ESTERO LAND DEVELOPMENT CODE CHAPTERS 6 & 10 TO ADOPT FLOOD HAZARD MAPS, DESIGNATE A FLOODPLAIN ADMINISTRATOR, ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDE FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENERS ERRORS, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

WHEREAS, the Village of Estero, Florida was incorporated on December 31, 2014 and commenced operations on March 17, 2015; and

WHEREAS, on June 17, 2015, the Village of Estero adopted Lee County's Ordinance 15-09 to comply with requirements for the Village's application to the National Flood Insurance Program (NFIP); and

WHEREAS, as an additional requirement to the NFIP application, the Federal Emergency Management Agency has requested that the Village adopt its own Floodplain Management Ordinance by September 30, 2015; and

WHEREAS, the Village Council has declared this an emergency due to the importance of having this ordinance adopted by FEMA's deadline in order for the Village's application to the NFIP to be complete; and

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Village of Estero and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

46 **WHEREAS**, the Village Council adopted Ordinance 2015-08 on June 17, 2015,
47 confirming its intent to continue application of the floodplain management requirements of
48 Lee County and to meet the requirements of Title 44 Code of Federal Regulations, Sections 59
49 and 60, necessary for participation in the National Flood Insurance Program; and

50
51 **WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to
52 provide a mechanism for the uniform adoption, updating, amendment, interpretation and
53 enforcement of a state building code, called the *Florida Building Code*; and

54
55 **WHEREAS**, section 553.73(5), Florida Statutes, allows adoption of local technical
56 amendments to the *Florida Building Code* (FBC); and

57
58 **WHEREAS**, the amendment of Chapters 6 & 10 of the Village of Estero Land
59 Development Code (LDC) is necessary to achieve consistency with the National Flood
60 Insurance Program requirements and the Florida Building Code and to protect the public
61 health, safety and general welfare; and

62
63 **WHEREAS**, the Village Council of the Village of Estero, Florida has determined that
64 it is in the public interest to adopt the proposed floodplain management amendments that are
65 coordinated with the *Florida Building Code*.

66
67 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
68 Florida:

69
70 **SECTION ONE: ADOPTION OF AMENDMENTS TO FLORIDA BUILDING CODE**

71
72 Village of Estero Land Development Code Chapter 6

73
74 **Chapter 6. BUILDINGS AND BUILDING REGULATIONS**

75
76 **ARTICLE II. CODES AND STANDARDS**

77
78 ~~DIVISION 2. BOARD OF ADJUSTMENT AND APPEALS~~

79
80 ~~Sec. 6-81. Variations; modification of orders.~~

81
82 ~~(a) through (b) remain unchanged.~~

83
84 ~~(c) — Pursuant to section 553.73(5), F.S., the variance procedures adopted in Article IV~~
85 ~~Flood Hazard Reduction will apply to requests submitted for variances to the provisions of~~
86 ~~section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of~~
87 ~~section R322 of the Florida Building Code, Residential. This section does not apply to~~
88 ~~section 3109 of the Florida Building Code, Building.~~

DIVISION 3. BUILDING CODE

~~Sec. 6-118. Building permits issued on the basis of an affidavit.~~

~~Amend the FBC, Building by adding Section 107.6.1, as follows:~~

~~107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44.C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to section 105.14 and section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.~~

Sec. 6-119. Substantial Improvement.

Amend FBC, Building Section ~~202+612.2~~ and Existing Building Section 202, pertaining to the definition of substantial improvement, as follows:

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of the building or structure subsequent to the date specified in the Local Floodplain Management Ordinance. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes buildings and structures that have experienced repetitive loss.

Sec. 6-120. Critical facilities.

Amend FBC, Building Section 1612.4, pertaining to elevation of buildings, as follows:

134 **1612.4.1 Elevation of Category III and IV buildings (critical facilities).**

135
136 Critical facilities, as defined in the Flood Hazard Reduction Ordinance, shall be located
137 outside the limits of the special flood hazard area where feasible. Construction of new critical
138 facilities shall be permissible within the special flood hazard area if no feasible alternative site
139 is available. If permitted, critical facilities shall be elevated or protected to or above the base flood
140 elevation plus two (2) feet or the 500-year (0.2 percent chance) flood elevation, whichever is
141 higher. Flood proofing and sealing measures must be implemented to ensure that toxic substances
142 will not be displaced by or released into floodwaters. Access routes elevated to or above the base
143 flood elevation shall be provided to all critical facilities to the maximum extent possible. Critical
144 facilities shall be designed to remain operable during such an event.

145
146 ~~Sec. 6-1186-121~~ – 6-210. Reserved

147
148 Delete ARTICLE IV. FLOOD HAZARD REDUCTION (SECS. 6-401 – 6-476) in its entirety
149 and replace with:

150
151 **ARTICLE IV. FLOOD HAZARD REDUCTION**

152
153 **DIVISION 1. ADMINISTRATION**

154
155 **Subdivision I. Generally**

156
157 **Sec. 6-401. Scope.**

158
159 The provisions of this article apply to all development that is wholly within or partially
160 within any flood hazard area, including but not limited to the subdivision of land; filling, grading,
161 and other site improvements and utility installations; construction, alteration, remodeling,
162 enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures,
163 and facilities that are exempt from the *Florida Building Code*; placement, installation, or
164 replacement of manufactured homes and manufactured buildings; installation or replacement of
165 tanks; placement of recreational vehicles; installation of swimming pools; and any other
166 development.

167
168 **Sec. 6-402. Intent.**

169
170 The purposes of this article and the flood load and flood resistant construction
171 requirements of the *Florida Building Code* are to establish minimum requirements to safeguard
172 the public health, safety, and general welfare and to minimize public and private losses due to
173 flooding through regulation of development in flood hazard areas to:

- 174
175 (1) Minimize unnecessary disruption of commerce, access and public service
176 during times of flooding;
177
178 (2) Require the use of appropriate construction practices in order to prevent or

179 minimize future flood damage;

- 180
- 181 (3) Manage filling, grading, dredging, mining, paving, excavation, drilling
- 182 operations, storage of equipment or materials, and other development which
- 183 may increase flood damage or erosion potential;
- 184
- 185 (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to
- 186 minimize the impact of development on the natural and beneficial functions of
- 187 the floodplain;
- 188
- 189 (5) Minimize damage to public and private facilities and utilities;
- 190
- 191 (6) Help maintain a stable tax base by providing for the sound use and development
- 192 of flood hazard areas;
- 193
- 194 (7) Minimize the need for future expenditure of public funds for flood control
- 195 projects and response to and recovery from flood events; and
- 196
- 197 (8) Meet the requirements of the National Flood Insurance Program for community
- 198 participation as set forth in the Title 44 Code of Federal Regulations, Section
- 199 59.22.
- 200

201 **Sec. 6-403. Coordination with the *Florida Building Code*.**

202

203 This article is intended to be administered and enforced in conjunction with the *Florida*

204 *Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced

205 by the *Florida Building Code*.

206

207 **Sec. 6-404. Warning.**

208

209 The degree of flood protection required by this article and the *Florida Building Code*, as

210 amended by the Village of Estero, is considered the minimum reasonable for regulatory purposes

211 and is based on scientific and engineering considerations. Larger floods can and will occur. Flood

212 heights may be increased by man-made or natural causes. This article does not imply that land

213 outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas,

214 will be free from flooding or flood damage. The flood hazard areas and base flood elevations

215 contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the

216 requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by

217 the Federal Emergency Management Agency, requiring this community to revise these

218 regulations to remain eligible for participation in the National Flood Insurance Program. No

219 guaranty of vested use, existing use, or future use is implied or expressed by compliance with

220 this article.

221

222

223

224 **Sec. 6-405. Disclaimer of Liability.**

225
226 This article will not create liability on the part of the Village of Estero or by any officer
227 or employee thereof for any flood damage that results from reliance on this article or any
228 administrative decision lawfully made there under.

229
230 **Secs. 6-406 – 6-410. Reserved.**

231
232 *Subdivision II. Applicability*

233
234 **Sec. 6-411. General.**

- 235
236 (1) Where there is a conflict between a general requirement and a specific
237 requirement, the specific requirement will be applicable.
238
239 (2) This article applies to all flood hazard areas within the Village of Estero, as
240 established in Section 6-411(3).
241
242 (3) The Flood Insurance Study for Lee County, Florida and Incorporated Areas,
243 effective August 28, 2008, and all subsequent amendments and revisions, and
244 the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent
245 amendments and revisions to such maps, are adopted by reference as a part of
246 this article and will serve as the minimum basis for establishing flood hazard
247 areas. Studies and maps that establish flood hazard areas are on file at the
248 Village Hall.

249
250 **Sec. 6-412. Submission of additional data to establish flood hazard areas.**

251
252 To establish flood hazard areas and base flood elevations, pursuant to Division 1,
253 Subdivision V of this article the Floodplain Administrator may require submission of
254 additional data. Where field surveyed topography prepared by a Florida licensed professional
255 surveyor or digital topography accepted by the community indicates that ground elevations:

- 256
257 (1) Are below the closest applicable base flood elevation, even in areas not
258 delineated as a special flood hazard area on a FIRM, the area will be considered
259 as flood hazard area and subject to the requirements of this article and, as
260 applicable, the requirements of the *Florida Building Code*.
261
262 (2) Are above the closest applicable base flood elevation, the area will be regulated
263 as special flood hazard area unless the applicant obtains a Letter of Map Change
264 that removes the area from the special flood hazard area.
265
266
267
268

269 **Sec. 6-413. Other laws.**

270
271 The provisions of this article will not be deemed to nullify any provisions of local, state
272 or federal law.

273
274 **Sec. 6-414. Abrogation and greater restrictions.**

275
276 This article supersedes any article in effect for management of development in flood
277 hazard areas. However, it is not intended to repeal or abrogate any existing articles including
278 but not limited to land development regulations, zoning resolutions, stormwater management
279 regulations, or the *Florida Building Code*. In the event of a conflict between this article and
280 any other article, the more restrictive will govern. This article will not impair any deed
281 restriction, covenant or easement, but any land that is subject to such interests will also be
282 governed by this article.

283
284 **Sec. 6-415. Interpretation.**

285
286 In the interpretation and application of this article, all provisions will be:

- 287
288 (1) Considered as minimum requirements;
289
290 (2) Liberally construed in favor of the governing body; and
291
292 (3) Deemed neither to limit nor repeal any other powers granted under state
293 statutes.

294
295 **Secs. 6-416 – 6-420. Reserved.**

296
297 *Subdivision III. Duties and Powers of the Floodplain Administrator*

298
299 **Sec. 6-421. Designation.**

300
301 The Village Manager or his/her designee is designated as the Floodplain Administrator.
302 The Floodplain Administrator may delegate performance of certain duties to other employees.

303
304 **Sec. 6-422. General.**

305
306 The Floodplain Administrator is authorized and directed to administer and enforce the
307 provisions of this article. The Floodplain Administrator will have the authority to render
308 interpretations of this article consistent with the intent and purpose of this article and may
309 establish policies and procedures in order to clarify the application of its provisions. Such
310 interpretations, policies, and procedures will not have the effect of waiving requirements
311 specifically provided in this article without the granting of a variance pursuant to Division 1,
312 Subdivision VII of this article.

314 **Sec. 6-423. Applications and permits.**

315 The Floodplain Administrator, in coordination with other pertinent offices of the
316 community, will:

- 317
- 318
- 319 (1) Review applications and plans to determine whether proposed new
320 development will be located in flood hazard areas;
- 321
- 322 (2) Review applications for modification of any existing development in flood
323 hazard areas for compliance with the requirements of this article;
- 324
- 325 (3) Interpret flood hazard area boundaries where such interpretation is necessary to
326 determine the exact location of boundaries; a person contesting the
327 determination will have the opportunity to appeal the interpretation;
- 328
- 329 (4) Provide available flood elevation and flood hazard information;
- 330
- 331 (5) Determine whether additional flood hazard data will be obtained from other
332 sources or will be developed by an applicant;
- 333
- 334 (6) Review applications to determine whether proposed development will be
335 reasonably safe from flooding;
- 336
- 337 (7) Issue floodplain development permits or approvals for development other than
338 buildings and structures that are subject to the *Florida Building Code*, including
339 buildings, structures and facilities exempt from the *Florida Building Code*,
340 when compliance with this article is demonstrated, or disapprove the same in
341 the event of noncompliance; and
- 342
- 343 (8) Coordinate to assure that applications, plan reviews, and inspections for
344 buildings and structures in flood hazard areas comply with the applicable
345 provisions of this article.
- 346

347 **Sec. 6-424. Substantial improvement and substantial damage determinations.**

348

349 For applications for building permits to improve buildings and structures, including
350 alterations, movement, enlargement, replacement, repair, change of occupancy, additions,
351 rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any
352 other improvement of or work on such buildings and structures, the Floodplain Administrator
353 will:

354

- 355 (1) Estimate the market value, or require the applicant to obtain an appraisal of the
356 market value prepared by a qualified independent appraiser, of the building or
357 structure before the start of construction of the proposed work; in the case of

358 repair, the market value of the building or structure will be the market value
359 before the damage occurred and before any repairs are made;

360
361 (2) Compare the cost to perform the improvement, the cost to repair a damaged
362 building to its pre-damaged condition, or the combined costs of improvements
363 and repairs, if applicable, to the market value of the building or structure;

364
365 (3) Determine and document whether the proposed work constitutes substantial
366 improvement or repair of substantial damage; the determination requires
367 evaluation of previous permits issued for improvements and repairs as specified
368 in the definition of “substantial improvement” and previous permits issued for
369 repair of flood-related damage; and

370
371 (4) Notify the applicant if it is determined that the work constitutes substantial
372 improvement or repair of substantial damage and that compliance with the flood
373 resistant construction requirements of the *Florida Building Code* and this article
374 is required.

375
376 **Sec. 6-425. Modifications of the strict application of the requirements of the *Florida***
377 ***Building Code.***

378
379 The Floodplain Administrator will review requests submitted to the Building Official
380 that seek approval to modify the strict application of the flood load and flood resistant
381 construction requirements of the *Florida Building Code* to determine whether such requests
382 require the granting of a variance pursuant to Division 1, Subdivision VII of this article.
383

384 **Sec. 6-426. Notices and orders.**

385
386 The Floodplain Administrator will coordinate with appropriate local agencies for the
387 issuance of all necessary notices or orders to ensure compliance with this article.
388

389 **Sec. 6-427. Inspections.**

390
391 The Floodplain Administrator will make the required inspections as specified in
392 Division 1, Subdivision VI of this article for development that is not subject to the *Florida*
393 *Building Code*, including buildings, structures and facilities exempt from the *Florida Building*
394 *Code*. The Floodplain Administrator will inspect flood hazard areas to determine if
395 development is undertaken without issuance of a permit.
396

397 **Sec. 6-428. Other duties of the Floodplain Administrator.**
398

399 The Floodplain Administrator will have other duties, including but not limited to:
400

- 401 (1) Establish procedures for administering and documenting determinations of
402 substantial improvement and substantial damage made pursuant to Section 6-
403 424 of this article;
404
- 405 (2) Require that applicants proposing alteration of a watercourse notify adjacent
406 communities and the Florida Division of Emergency Management, State
407 Floodplain Management Office, and submit copies of such notifications to the
408 Federal Emergency Management Agency (FEMA);
409
- 410 (3) Require applicants who submit hydrologic and hydraulic engineering analyses
411 to support permit applications to submit to FEMA the data and information
412 necessary to maintain the Flood Insurance Rate Maps if the analyses propose to
413 change base flood elevations, flood hazard area boundaries, or floodway
414 designations; such submissions will be made within 6 months of such data
415 becoming available;
416
- 417 (4) Review required design certifications and documentation of elevations
418 specified by this article and the *Florida Building Code* to determine that such
419 certifications and documentations are complete;
420
- 421 (5) Notify the Federal Emergency Management Agency when the corporate
422 boundaries of the Village of Estero are modified; and
423
- 424 (6) Advise applicants for new buildings and structures, including substantial
425 improvements, which are located in any unit of the Coastal Barrier Resources
426 System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and
427 the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal
428 flood insurance is not available on such construction; areas subject to this
429 limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier
430 Resource System Areas” and “Otherwise Protected Areas.”
431

432 **Sec. 6-429. Floodplain management records.**
433

434 Regardless of any limitation on the period required for retention of public records, the
435 Floodplain Administrator will maintain and permanently keep and make available for public
436 inspection all records that are necessary for the administration of this article and the flood
437 resistant construction requirements of the *Florida Building Code*, including Flood Insurance
438 Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits;
439 determinations of whether proposed work constitutes substantial improvement or repair of
440 substantial damage; required design certifications and documentation of elevations specified

by the *Florida Building Code* and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the *Florida Building Code*. These records are available for public inspection at the Village Hall.

Secs. 6-430 – 6-432. Reserved.

Subdivision IV. Permits

Sec. 6-433. Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area must first make application to the Floodplain Administrator and must obtain the required permit(s) and approval(s). No such permit or approval will be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

Sec. 6-434. Floodplain development permits or approvals.

Floodplain development permits or approvals will be issued pursuant to this article for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Sec. 6-435. Buildings, structures and facilities exempt from the *Florida Building Code*.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals will be required for buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this article.

Sec. 6-436. Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant must first file an application in writing on a form furnished by the community. The information provided must:

- (1) Identify and describe the development to be covered by the permit or approval.

- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Division 1, Subdivision V of this article.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

Sec. 6-437. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this article must not be construed to be a permit for, or approval of, any violation of this article, the *Florida Building Codes*, or any other article of this community. The issuance of permits based on submitted applications, construction documents, and information will not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

Sec. 6-438. Suspension or revocation.

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other article, regulation or requirement of this community.

Sec. 6-439. Other permits required.

Floodplain development permits and building permits must include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (5) Federal permits and approvals.

Secs. 6-440 – 6-443. Reserved.

Subdivision V. Site Plans and Construction Documents

Sec. 6-444. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this article must be drawn to scale and must include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they must be established in accordance with Section 6-445(2) or (3).
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations must be established in accordance with Section 6-445(1).
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings must be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

- (8) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

Sec. 6-445. Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator will:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses must be prepared by a Florida licensed engineer in a format required by FEMA, and that it must be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

614 **Sec. 6-446. Additional analyses and certifications.**

615
616 As applicable to the location and nature of the proposed development activity, and in
617 addition to the requirements of this section, the applicant must have the following analyses
618 signed and sealed by a Florida licensed engineer for submission with the site plan and
619 construction documents:

- 620
621 (1) For development activities proposed to be located in a regulatory floodway, a
622 floodway encroachment analysis that demonstrates that the encroachment of the
623 proposed development will not cause any increase in base flood elevations;
624 where the applicant proposes to undertake development activities that do
625 increase base flood elevations, the applicant must submit such analysis to
626 FEMA as specified in Section 6-447 of this article and must submit the
627 Conditional Letter of Map Revision, if issued by FEMA, with the site plan and
628 construction documents.
629
630 (2) For development activities proposed to be located in a riverine flood hazard
631 area for which base flood elevations are included in the Flood Insurance Study
632 or on the FIRM and floodways have not been designated, hydrologic and
633 hydraulic analyses that demonstrate that the cumulative effect of the proposed
634 development, when combined with all other existing and anticipated flood
635 hazard area encroachments, will not increase the base flood elevation more than
636 one (1) foot at any point within the community. This requirement does not
637 apply in isolated flood hazard areas not connected to a riverine flood hazard
638 area or in flood hazard areas identified as Zone AO or Zone AH.
639
640 (3) For alteration of a watercourse, an engineering analysis prepared in accordance
641 with standard engineering practices which demonstrates that the flood-carrying
642 capacity of the altered or relocated portion of the watercourse will not be
643 decreased, and certification that the altered watercourse must be maintained in
644 a manner which preserves the channel's flood-carrying capacity; the applicant
645 must submit the analysis to FEMA as specified in Section 6-447 of this article.
646
647 (4) For activities that propose to alter sand dunes or mangrove stands in coastal
648 high hazard areas (Zone V), an engineering analysis that demonstrates that the
649 proposed alteration will not increase the potential for flood damage.
650

651 **Sec. 6-447. Submission of additional data.**

652
653 When additional hydrologic, hydraulic or other engineering data, studies, and
654 additional analyses are submitted to support an application, the applicant has the right to seek
655 a Letter of Map Change from FEMA to change the base flood elevations, change floodway
656 boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such
657 data to FEMA for such purposes. The analyses must be prepared by a Florida licensed engineer

in a format required by FEMA. Submittal requirements and processing fees will be the responsibility of the applicant.

Secs. 6-448 – 6-450. Reserved.

Subdivision VI. Inspections

Sec. 6-451. General.

Development for which a floodplain development permit or approval is required will be subject to inspection.

Sec. 6-452. Development other than buildings and structures.

The Floodplain Administrator will inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

Sec. 6-453. Buildings, structures and facilities exempt from the *Florida Building Code*.

The Floodplain Administrator will inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

Sec. 6-454. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, must submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 6-445 of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Sec. 6-455. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.

As part of the final inspection, the owner or owner's authorized agent must submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final

documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations must be prepared as specified in Section 6-454 of this article.

Sec. 6-456. Manufactured homes.

The Building Official must inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor must be submitted to the Building Official.

Secs. 6-457 – 6-460. Reserved.

Subdivision VII. Variances and Appeals

Sec. 6-461. General.

The Board of Adjustment and Appeals must hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to section 553.73(5), F.S., the Board of Adjustment and Appeals hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

Sec. 6-462. Appeals.

The Board of Adjustment and Appeals will hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this article. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

Sec. 6-463. Limitations on authority to grant variances.

The Board of Adjustment and Appeals will base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 6-467 of this article, the conditions of issuance set forth in Section 6-468 of this article, and the comments and recommendations of the Building Official. The Board of Adjustment and Appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

741 **Sec. 6-464. Restrictions in floodways.**

742
743 A variance will not be issued for any proposed development in a floodway if any
744 increase in base flood elevations would result, as evidenced by the applicable analyses and
745 certifications required in Section 6-446 of this article.

746
747 **Sec. 6-465. Historic buildings.**

748
749 A variance is authorized to be issued for the repair, improvement, or rehabilitation of a
750 historic building that is determined eligible for the exception to the flood resistant construction
751 requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings,
752 upon a determination that the proposed repair, improvement, or rehabilitation will not preclude
753 the building's continued designation as a historic building and the variance is the minimum
754 necessary to preserve the historic character and design of the building. If the proposed work
755 precludes the building's continued designation as a historic building, a variance will not be
756 granted and the building and any repair, improvement, and rehabilitation will be subject to the
757 requirements of the *Florida Building Code*.

758
759 **Sec. 6-466. Functionally dependent uses.**

760
761 A variance is authorized to be issued for the construction or substantial improvement
762 necessary for the conduct of a functionally dependent use, as defined in this article, provided
763 the variance meets the requirements of Section 6-464 is the minimum necessary considering
764 the flood hazard, and all due consideration has been given to use of methods and materials that
765 minimize flood damage during occurrence of the base flood.

766
767 **Sec. 6-467. Considerations for issuance of variances.**

768
769 In reviewing requests for variances, the Board of Adjustment and Appeals will consider
770 all technical evaluations, all relevant factors, all other applicable provisions of the *Florida*
771 *Building Code*, this article, and the following:

- 772
773 (1) The danger that materials and debris may be swept onto other lands resulting in
774 further injury or damage;
775
776 (2) The danger to life and property due to flooding or erosion damage;
777
778 (3) The susceptibility of the proposed development, including contents, to flood
779 damage and the effect of such damage on current and future owners;
780
781 (4) The importance of the services provided by the proposed development to the
782 community;
783
784 (5) The availability of alternate locations for the proposed development that are
785 subject to lower risk of flooding or erosion;

- 786 (6) The compatibility of the proposed development with existing and anticipated
787 development;
788
789 (7) The relationship of the proposed development to the comprehensive plan and
790 floodplain management program for the area;
791
792 (8) The safety of access to the property in times of flooding for ordinary and
793 emergency vehicles;
794
795 (9) The expected heights, velocity, duration, rate of rise and debris and sediment
796 transport of the floodwaters and the effects of wave action, if applicable,
797 expected at the site; and
798
799 (10) The costs of providing governmental services during and after flood conditions
800 including maintenance and repair of public utilities and facilities such as sewer,
801 gas, electrical and water systems, streets and bridges.
802

803 **Sec. 6-468. Conditions for issuance of variances.**
804

805 Variances may be issued only upon:
806

- 807 (1) Submission by the applicant, of a showing of good and sufficient cause that the
808 unique characteristics of the size, configuration, or topography of the site limit
809 compliance with any provision of this article or the required elevation
810 standards;
811
812 (2) Determination by the Board of Adjustment and Appeals that:
813
814 (a) Failure to grant the variance would result in exceptional hardship due to
815 the physical characteristics of the land that render the lot undevelopable;
816 increased costs to satisfy the requirements or inconvenience do not
817 constitute hardship;
818
819 (b) The granting of a variance will not result in increased flood heights,
820 additional threats to public safety, extraordinary public expense, nor
821 create nuisances, cause fraud on or victimization of the public or conflict
822 with existing local laws and articles; and
823
824 (c) The variance is the minimum necessary, considering the flood hazard,
825 to afford relief;
826
827 (3) If the request is for a variance to allow construction of the lowest floor of a new
828 building, or substantial improvement of a building, below the required
829 elevation, a copy in the record of a written notice from the Floodplain
830 Administrator to the applicant for the variance, specifying the difference

831 between the base flood elevation and the proposed elevation of the lowest floor,
832 stating that the cost of federal flood insurance will be commensurate with the
833 increased risk resulting from the reduced floor elevation (up to amounts as high
834 as \$25 for \$100 of insurance coverage), and stating that construction below the
835 base flood elevation increases risks to life and property.

836
837 **Secs. 6-469 – 6-470. Reserved.**

838
839 *Subdivision VIII. Violations*

840
841 **Sec. 6-471. Violations.**

842
843 Any development that is not within the scope of the *Florida Building Code* but that is
844 regulated by this article that is performed without an issued permit, that is in conflict with an
845 issued permit, or that does not fully comply with this article, will be deemed a violation of this
846 article. A building or structure without the documentation of elevation of the lowest floor,
847 other required design certifications, or other evidence of compliance required by this article or
848 the *Florida Building Code* is presumed to be a violation until such time as that documentation
849 is provided.

850
851 **Sec. 6-472. Authority.**

852
853 For development that is not within the scope of the *Florida Building Code* but that is
854 regulated by this article and that is determined to be a violation, the Floodplain Administrator
855 is authorized to serve notices of violation or stop work orders to owners of the property
856 involved, to the owner's agent, or to the person or persons performing the work.

857
858 **Sec. 6-473. Unlawful continuance.**

859
860 Any person who continues any work after having been served with a notice of violation
861 or a stop work order, except such work as that person is directed to perform to remove or
862 remedy a violation or unsafe condition, will be subject to penalties as prescribed by law.

863
864 **Sec. 6-474 – 6-476. Reserved.**

865
866 **DIVISION 2. DEFINITIONS**

867
868 *Subdivision I. General*

869
870 **Sec. 6-477. Terms defined in the *Florida Building Code*.**

871
872 Where terms are not defined in this article and are defined in the *Florida Building Code*,
873 such terms will have the meanings ascribed to them in that code.

875 **Sec. 6-478. Terms not defined.**

876
877 Where terms are not defined in this article or the *Florida Building Code*, such terms
878 will have ordinarily accepted meanings such as the context implies.

879
880 **Sec. 6-479. Definitions.**

881
882 Unless otherwise expressly stated, the following words and terms, for the purposes of
883 this article, have the meanings shown in this section.

884
885 *Alteration of a watercourse.* A dam, impoundment, channel relocation, change in
886 channel alignment, channelization, or change in cross-sectional area of the channel or the
887 channel capacity, or any other form of modification which may alter, impede, retard or change
888 the direction and/or velocity of the riverine flow of water during conditions of the base flood.

889
890 *Appeal.* A request for a review of the Floodplain Administrator's interpretation of any
891 provision of this article.

892
893 *ASCE 24.* A standard titled *Flood Resistant Design and Construction* that is referenced
894 by the *Florida Building Code*. ASCE 24 is developed and published by the American Society
895 of Civil Engineers, Reston, VA.

896
897 *Base flood.* A flood having a 1-percent chance of being equaled or exceeded in any
898 given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to
899 as the "100-year flood" or the "1-percent-annual chance flood."

900
901 *Base flood elevation.* The elevation of the base flood, including wave height, relative
902 to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD)
903 or other datum specified on the Flood Insurance Rate Map (FIRM).

904
905 *Basement.* The portion of a building having its floor subgrade (below ground level) on
906 all sides.

907
908 *Coastal high hazard area.* A special flood hazard area extending from offshore to the
909 inland limit of a primary frontal dune along an open coast and any other area subject to high
910 velocity wave action from storms or seismic sources. Coastal high hazard areas are also
911 referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are
912 designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

913
914 *Conditional Letter of Map Revision (CLOMR):* A formal review and comment as to
915 whether a proposed flood protection project or other project complies with the minimum NFIP
916 requirements for such projects with respect to delineation of special flood hazard areas. A
917 CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study;
918 upon submission and approval of certified as-built documentation, a Letter of Map Revision
919 may be issued by FEMA to revise the effective FIRM.

Critical facility means one or more of the following:

- (1) Structures or facilities that commercially produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials that are defined as extremely hazardous substances by the Environmental Protection Agency under section 302 of the Emergency Planning and Community Right-to-Know Act, Title III of the Superfund amendments and Reauthorization Act of 1986, 42, USC.;
- (2) Hospitals, nursing homes, assisted living facilities and health care facilities Groups I, II and IV;
- (3) Structures used as law enforcement stations, fire stations, governmental vehicle and equipment storage facilities, and emergency operations centers that are needed for emergency response activities before, during and after a flood incident; and
- (4) Public or private utility facilities that are vital to maintaining and restoring normal services to flooded areas before, during and after a flood incident.

Design flood. The flood associated with the greater of the following two areas:

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation will be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number will be taken as being equal to 2 feet.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

964 Existing building and existing structure. Any buildings and structures for which the
965 “start of construction” commenced before September 19, 1984.

966
967 Existing manufactured home park or subdivision. A manufactured home park or
968 subdivision for which the construction of facilities for servicing the lots on which the
969 manufactured homes are to be affixed (including, at a minimum, the installation of utilities,
970 the construction of streets, and either final site grading or the pouring of concrete pads) is
971 completed before September 19, 1984.

972
973 Expansion to an existing manufactured home park or subdivision. The preparation of
974 additional sites by the construction of facilities for servicing the lots on which the
975 manufactured homes are to be affixed (including the installation of utilities, the construction
976 of streets, and either final site grading or the pouring of concrete pads).

977
978 Federal Emergency Management Agency (FEMA). The federal agency that, in addition
979 to carrying out other functions, administers the National Flood Insurance Program.

980
981 Flood or flooding. A general and temporary condition of partial or complete inundation
982 of normally dry land from:

- 983
984 (1) The overflow of inland or tidal waters.
985
986 (2) The unusual and rapid accumulation or runoff of surface waters from any
987 source.
988

989 Flood damage-resistant materials. Any construction material capable of withstanding
990 direct and prolonged contact with floodwaters without sustaining any damage that requires
991 more than cosmetic repair.

992
993 Flood hazard area. The greater of the following two areas:

- 994
995 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding
996 in any year.
997
998 (2) The area designated as a flood hazard area on the community’s flood hazard
999 map, or otherwise legally designated.
1000

1001 Flood Insurance Rate Map (FIRM). The official map of the community on which the
1002 Federal Emergency Management Agency has delineated both special flood hazard areas and
1003 the risk premium zones applicable to the community.

1004
1005 Flood Insurance Study (FIS). The official report provided by the Federal Emergency
1006 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and

1007 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting
1008 technical data.

1009
1010 *Floodplain Administrator.* The office or position designated and charged with the
1011 administration and enforcement of this article (may be referred to as the Floodplain Manager).

1012
1013 *Floodplain development permit or approval.* An official document or certificate issued
1014 by the community, or other evidence of approval or concurrence, which authorizes
1015 performance of specific development activities that are located in flood hazard areas and that
1016 are determined to be compliant with this article.

1017
1018 *Floodway.* The channel of a river or other riverine watercourse and the adjacent land
1019 areas that must be reserved in order to discharge the base flood without cumulatively increasing
1020 the water surface elevation more than one (1) foot.

1021
1022 *Floodway encroachment analysis.* An engineering analysis of the impact that a
1023 proposed encroachment into a floodway is expected to have on the floodway boundaries and
1024 base flood elevations; the evaluation must be prepared by a qualified Florida licensed engineer
1025 using standard engineering methods and models.

1026
1027 *Florida Building Code.* The family of codes adopted by the Florida Building
1028 Commission, including: *Florida Building Code, Building; Florida Building Code,*
1029 *Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical;*
1030 *Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.*

1031
1032 *Functionally dependent use.* A use which cannot perform its intended purpose unless
1033 it is located or carried out in close proximity to water, including only docking facilities, port
1034 facilities that are necessary for the loading and unloading of cargo or passengers, and ship
1035 building and ship repair facilities; the term does not include long-term storage or related
1036 manufacturing facilities.

1037
1038 *Highest adjacent grade.* The highest natural elevation of the ground surface prior to
1039 construction next to the proposed walls or foundation of a structure.

1040
1041 *Historic structure.* Any structure that is determined eligible for the exception to the
1042 flood hazard area requirements of the *Florida Building Code, Existing Building, Chapter 11*
1043 *Historic Buildings.*

1044
1045 *Letter of Map Amendment (LOMA).* An amendment based on technical data showing
1046 that a property was incorrectly included in a designated special flood hazard area. A LOMA
1047 amends the current effective Flood Insurance Rate Map and establishes that a specific property,
1048 portion of a property, or structure is not located in a special flood hazard area.

1050 Letter of Map Change (LOMC). An official determination issued by FEMA that
1051 amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters
1052 of Map Change include:

1053
1054 Letter of Map Revision (LOMR). A revision based on technical data that may show
1055 changes to flood zones, flood elevations, special flood hazard area boundaries and floodway
1056 delineations, and other planimetric features.

1057
1058 Letter of Map Revision Based on Fill (LOMR-F). A determination that a structure or
1059 parcel of land has been elevated by fill above the base flood elevation and is, therefore, no
1060 longer located within the special flood hazard area. In order to qualify for this determination,
1061 the fill must have been permitted and placed in accordance with the community's floodplain
1062 management regulations.

1063
1064 Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500
1065 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000
1066 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- 1067
1068 (1) Designed primarily for purposes of transportation of property or is a derivation
1069 of such a vehicle, or
1070
1071 (2) Designed primarily for transportation of persons and has a capacity of more
1072 than 12 persons; or
1073
1074 (3) Available with special features enabling off-street or off-highway operation and
1075 use.
1076

1077 Lowest floor. The lowest floor of the lowest enclosed area of a building or structure,
1078 including basement, but excluding any unfinished or flood-resistant enclosure, other than a
1079 basement, usable solely for vehicle parking, building access or limited storage provided that
1080 such enclosure is not built so as to render the structure in violation of the non-elevation
1081 requirements of the *Florida Building Code* or ASCE 24.

1082
1083 Manufactured home. A structure, transportable in one or more sections, which is eight
1084 (8) feet or more in width and greater than four hundred (400) square feet, and which is built on
1085 a permanent, integral chassis and is designed for use with or without a permanent foundation
1086 when attached to the required utilities. The term "manufactured home" does not include a
1087 "recreational vehicle" or "park trailer."

1088
1089 Manufactured home park or subdivision. A parcel (or contiguous parcels) of land
1090 divided into two or more manufactured home lots for rent or sale.

1091
1092 Market value. The price at which a property will change hands between a willing buyer
1093 and a willing seller, neither party being under compulsion to buy or sell and both having

reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this article and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after September 19, 1984 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 19, 1984.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

Permanent construction. Does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive loss means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes buildings and structures that have experienced repetitive loss.

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of the building or structure subsequent to November 18, 1992. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this article, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this article or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

1182 DIVISION 3. FLOOD RESISTANT DEVELOPMENT

1183
1184 Subdivision I. Buildings and Structures

1185
1186 **Sec. 6-480. Design and construction of buildings, structures and facilities exempt from**
1187 **the Florida Building Code.**

1188
1189 Pursuant to Section 6-435 of this article, buildings, structures, and facilities that are exempt
1190 from the *Florida Building Code*, including substantial improvement or repair of substantial damage
1191 of such buildings, structures and facilities, must be designed and constructed in accordance with
1192 the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from
1193 the *Florida Building Code* that are not walled and roofed buildings must comply with the
1194 requirements of Division 3, Subdivision VII of this article.

1195
1196 Subdivision II. Subdivisions

1197
1198 **Sec. 6-482. Minimum requirements.**

1199
1200 Subdivision proposals, including proposals for manufactured home parks and
1201 subdivisions, must be reviewed to determine that:

- 1202
1203 (1) Such proposals are consistent with the need to minimize flood damage and will
1204 be reasonably safe from flooding;
1205
1206 (2) All public utilities and facilities such as sewer, gas, electric, communications,
1207 and water systems are located and constructed to minimize or eliminate flood
1208 damage; and
1209
1210 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones
1211 AH and AO, adequate drainage paths must be provided to guide floodwaters
1212 around and away from proposed structures.

1213
1214 **Sec. 6-483. Standards for subdivision and other development proposals.**

1215
1216 Where any portion of proposed subdivisions, including manufactured home parks and
1217 subdivisions, lies within a flood hazard area, the following will be required:

- 1218
1219 (1) Where the subdivision has more than 50 lots or is larger than 5 acres and base
1220 flood elevations are not included on the FIRM, the base flood elevations
1221 determined in accordance with Section 6-445(1) of this article; and
1222
1223 (2) Compliance with the site improvement and utilities requirements of Division 3,
1224 Subdivision III of this article.
1225 (3)

1226 Subdivision III. Site Improvements, Utilities and Limitations

1227
1228 **Sec. 6-484. Minimum requirements.**

1229
1230 All proposed new development will be reviewed to determine that:

- 1231
- 1232 (1) Such proposals are consistent with the need to minimize flood damage and will
- 1233 be reasonably safe from flooding;
- 1234 (2) All public utilities and facilities such as sewer, gas, electric, communications,
- 1235 and water systems are located and constructed to minimize or eliminate flood
- 1236 damage; and
- 1237
- 1238 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones
- 1239 AH and AO, adequate drainage paths must be provided to guide floodwaters
- 1240 around and away from proposed structures.

1241
1242 **Sec. 6-485. Sanitary sewage facilities.**

1243

1244 All new and replacement sanitary sewage facilities, private sewage treatment plants

1245 (including all pumping stations and collector systems), and on-site waste disposal systems must

1246 be designed in accordance with the standards for onsite sewage treatment and disposal systems

1247 in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of

1248 floodwaters into the facilities and discharge from the facilities into flood waters, and

1249 impairment of the facilities and systems.

1250
1251 **Sec. 6-486. Water supply facilities.**

1252

1253 All new and replacement water supply facilities must be designed in accordance with

1254 the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7

1255 to minimize or eliminate infiltration of floodwaters into the systems.

1256
1257 **Sec. 6-487. Limitations on sites in regulatory floodways.**

1258

1259 No development, including but not limited to site improvements, and land disturbing

1260 activity involving fill or regrading, may be authorized in the regulatory floodway unless the

1261 floodway encroachment analysis required in Section 6-446(1) of this article demonstrates that

1262 the proposed development or land disturbing activity will not result in any increase in the base

1263 flood elevation.

1264
1265 **Sec. 6-488. Limitations on placement of fill.**

1266

1267 Subject to the limitations of this article, fill must be designed to be stable under

1268 conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged

1269 inundation, and protection against flood-related erosion and scour. In addition to these

requirements, if intended to support buildings and structures (Zone A only), fill must comply with the requirements of the *Florida Building Code*.

Sec. 6-489. Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands will be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 6-446(4) of this article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures must comply with Section 6-512 of this article.

Subdivision IV. Manufactured Homes

Sec. 6-490. General.

All manufactured homes installed in flood hazard areas must be installed by an installer that is licensed pursuant to section 320.8249, F.S., and must comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.

The placement of manufactured homes or recreational vehicles is prohibited in coastal high hazard areas (Zone V), except in an existing manufactured home or recreational vehicle park or subdivision. A replacement manufactured home or recreational vehicle may be placed on a lot in an existing manufactured home or recreational vehicle park or subdivision, provided the anchoring standards of Section 6-492 and the elevation standards of Sections 6-494 and 6-495, as applicable, are met. New or expanded manufactured home or recreational vehicle parks or subdivisions are prohibited until such time, if ever, that Lee Plan Policy 80.1.2 is amended or repealed so as to allow such new or expanded manufactured home or recreational vehicle development.

Sec. 6-491. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas must be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this article. Foundations for manufactured homes subject to 304.4.2 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this article.

1315 **Sec. 6-492. Anchoring.**

1316
1317 All new manufactured homes and replacement manufactured homes must be installed
1318 using methods and practices which minimize flood damage and must be securely anchored to
1319 an adequately anchored foundation system to resist flotation, collapse or lateral movement.
1320 Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground
1321 anchors. This anchoring requirement is in addition to applicable state and local anchoring
1322 requirements for wind resistance.

1323
1324 **Sec. 6-493. Elevation.**

1325
1326 Manufactured homes that are placed, replaced, or substantially improved must comply
1327 with Section 6-494 or 6-495, as applicable.

1328
1329 **Sec. 6-494. General elevation requirement.**

1330
1331 Unless subject to the requirements of Section 6-495, all manufactured homes that are
1332 placed, replaced, or substantially improved on sites located: (a) outside of a manufactured
1333 home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an
1334 expansion to an existing manufactured home park or subdivision; or (d) in an existing
1335 manufactured home park or subdivision upon which a manufactured home has incurred
1336 "substantial damage" as the result of a flood, must be elevated such that the top or the lowest
1337 floor is at or above the elevation required, as applicable to the flood hazard area, in the *Florida*
1338 *Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

1339
1340 **Sec. 6-495. Elevation requirement for certain existing manufactured home parks and**
1341 **subdivisions.**

1342
1343 Manufactured homes that are not subject to Section 6-494, including manufactured
1344 homes that are placed, replaced, or substantially improved on sites located in an existing
1345 manufactured home park or subdivision, unless on a site where substantial damage as result of
1346 flooding has occurred, must be elevated such that either the:

- 1347
1348 (1) Top or the lowest floor of the manufactured home is at or above the elevation
1349 required, as applicable to the flood hazard area, in the *Florida Building Code,*
1350 *Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or
1351
1352 (2) Bottom of the frame is supported by reinforced piers or other foundation
1353 elements of at least equivalent strength that are not less than 36 inches in height
1354 above grade.

1360 **Sec. 6-496. Enclosures.**

1361
1362 Enclosed areas below elevated manufactured homes must comply with the
1363 requirements of the *Florida Building Code, Residential* Sections R322.2 or R322.3 for such
1364 enclosed areas, as applicable to the flood hazard area.

1365
1366 **Sec. 6-497. Utility equipment.**

1367
1368 Utility equipment that serves manufactured homes, including electric, heating,
1369 ventilation, plumbing, and air conditioning equipment and other service facilities, must comply
1370 with the requirements of the *Florida Building Code, Residential* Section R322, as applicable
1371 to the flood hazard area.

1372
1373 *Subdivision V. Recreational Vehicles and Park Trailers*

1374
1375 **Sec. 6-498. Temporary placement.**

1376
1377 Recreational vehicles and park trailers placed temporarily in flood hazard areas must:

- 1378
1379 (1) Be on the site for fewer than 180 consecutive days; or
1380
1381 (2) Be fully licensed and ready for highway use, which means the recreational
1382 vehicle or park model is on wheels or jacking system, is attached to the site only
1383 by quick-disconnect type utilities and security devices, and has no permanent
1384 attachments such as additions, rooms, stairs, decks and porches.

1385
1386 **Sec. 6-499. Permanent placement.**

1387
1388 Recreational vehicles and park trailers that do not meet the limitations in Section 6-498
1389 of this article for temporary placement must meet the requirements of Division 3, Subdivision
1390 IV of this article for manufactured homes.

1391
1392 *Subdivision VI. Tanks*

1393
1394 **Sec. 6-500. Underground tanks.**

1395
1396 Underground tanks in flood hazard areas must be anchored to prevent flotation,
1397 collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during
1398 conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

1399
1400 **Sec. 6-501. Above-ground tanks, not elevated.**

1401
1402 Above-ground tanks that do not meet the elevation requirements of Section 6-502 of
1403 this article must:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V).

Sec. 6-502. Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas must be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures must meet the foundation requirements of the applicable flood hazard area.

Sec. 6-503. Tank inlets and vents.

Tank inlets, fill openings, outlets and vents must be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Subdivision VII. Other Development

Sec. 6-504. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the *Florida Building Code*, must:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 6-487 of this article if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and

- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 6-505. Accessory structures.

Accessory structures are not required to meet the elevation requirements if they meet all of the following requirements, in addition to those set forth in Section 6-487:

- a. The structure is securely anchored to resist flotation, collapse, and lateral movement;
- b. The building is a minimal investment and the total size of the building does not exceed 1,000 square feet in floor area;
- c. The structure is used exclusively for uninhabitable parking or storage purposes;
- d. All electrical or heating equipment is elevated above the base flood elevation or otherwise protected from intrusion of floodwaters; and
- e. For accessory structures located in coastal high-hazard areas (V zones), breakaway walls are used below the lowest floor.

Sec. 6-506. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters must meet the limitations of Section 6-487 of this article.

Sec. 6-507. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways must meet the limitations of Section 6-487 of this article.

Sec. 6-508. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways must meet the limitations of Section 6-487 of this article. Alteration of a watercourse that is part of a road or watercourse crossing must meet the requirements of Section 6-446(3) of this article.

Sec. 6-509. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- 1495 (1) Structurally independent of the foundation system of the building or structure;
1496
1497 (2) Frangible and not reinforced, so as to minimize debris during flooding that is
1498 capable of causing significant damage to any structure; and
1499
1500 (3) Have a maximum slab thickness of not more than four (4) inches.
1501

1502 **Sec. 6-510. Decks and patios in coastal high hazard areas (Zone V).**
1503

1504 In addition to the requirements of the *Florida Building Code*, in coastal high hazard
1505 areas decks and patios must be located, designed, and constructed in compliance with the
1506 following:
1507

- 1508 (1) A deck that is structurally attached to a building or structure must have the
1509 bottom of the lowest horizontal structural member at or above the design flood
1510 elevation and any supporting members that extend below the design flood
1511 elevation must comply with the foundation requirements that apply to the
1512 building or structure, which must be designed to accommodate any increased
1513 loads resulting from the attached deck.
1514
1515 (2) A deck or patio that is located below the design flood elevation must be
1516 structurally independent from buildings or structures and their foundation
1517 systems, and must be designed and constructed either to remain intact and in
1518 place during design flood conditions or to break apart into small pieces to
1519 minimize debris during flooding that is capable of causing structural damage to
1520 the building or structure or to adjacent buildings and structures.
1521
1522 (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or
1523 that is constructed with more than the minimum amount of fill necessary for
1524 site drainage must not be approved unless an analysis prepared by a qualified
1525 registered design professional demonstrates no harmful diversion of
1526 floodwaters or wave runoff and wave reflection that would increase damage to
1527 the building or structure or to adjacent buildings and structures.
1528
1529 (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and
1530 that is at natural grade or on nonstructural fill material that is similar to and
1531 compatible with local soils and is the minimum amount necessary for site
1532 drainage may be approved without requiring analysis of the impact on diversion
1533 of floodwaters or wave runoff and wave reflection.
1534

1535 **Sec. 6-511. Other development in coastal high hazard areas (Zone V).**
1536

1537 In coastal high hazard areas, development activities other than buildings and structures
1538 may be permitted only if also authorized by the appropriate federal, state or local authority; if
1539 located outside the footprint of, and not structurally attached to, buildings and structures; and

if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

Sec. 6-512. Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal may be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Sec. 6-513. Critical Facilities.

Critical facilities, as defined in the Flood Hazard Reduction Ordinance, shall be located outside the limits of the special flood hazard area where feasible. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. If permitted, critical facilities shall be elevated or protected to or above the base flood elevation plus two (2) feet or the 500-year (0.2 percent chance) flood elevation, whichever is

higher. Flood proofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the maximum extent possible. Critical facilities shall be designed to remain operable during such an event.

Sec. 6-514. Standards for areas in the B, C, and X Zones.

All new buildings not located in the areas of special flood hazard established in Section 6-411(3) must have the lowest floor elevation (including basement) constructed at least 12 inches above the crown of the nearest local street unless the building official determines there are extenuating circumstances that would preclude meeting that elevation.

Secs. 6-515 – 6-520. Reserved.

ARTICLE V. RESERVED

Secs. 6-501—6-521 - 6-550. Reserved.

SECTION THREE: AMENDMENTS TO LDC CHAPTER 10

The Village of Estero Land Development Code Chapter 10 is amended as follow with strike through identifying deleted text and underline identifying new text.

Chapter 10. DEVELOPMENT STANDARDS

ARTICLE I. IN GENERAL

Sec. 10-1. - Definitions and rules of construction.

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

ARTICLE II. ADMINISTRATION

DIVISION 2. DEVELOPMENT ORDERS

Subdivision II. Procedures

Sec. 10-101. Applicability of requirements.

(a) *Development orders.* All developments, as defined in this chapter, including subdivisions, are required to obtain a development order prior to commencing any land development activities or receiving any development permit, including a building permit, with

the exception of the following, which are not subject to review pursuant to this chapter except as noted herein:

(1) *remains unchanged.*

(2) Agriculture, as defined herein except as required for excavations permitted under section 10-329 and improvements to the land subject to provisions of Chapter 6, Article IV;

Remainder of Section is unchanged.

ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS

DIVISION 1. GENERALLY

Sec. 10-253. - Consideration of soil conditions and flood hazards.

No development plan will be approved unless the developer submits substantial and competent evidence that all lands intended for use as development sites can be safely developed without undue danger from flood or adverse soil or foundation conditions. The following standards must also be adhered to, as applicable:

(1) *through (5) remain unchanged.*

(6) Land affected by Chapter 6, Article IV, pertaining to flood hazard reduction, must show the base flood elevation expressed in NAVD 1988 datum on the site plan and the plat.

SECTION 10-254. – FISCAL IMPACT STATEMENT

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION FOUR: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

1673 **SECTION FIVE: SEVERABILITY**

1674
1675 It is the intent of the Village Council of the Village of Estero that if any section, subsection,
1676 clause or provision of this ordinance is deemed invalid or unconstitutional by a court of
1677 competent jurisdiction, such portion will become a separate provision and will not affect the
1678 remaining provisions of this ordinance. The Village Council further declares its intent that this
1679 ordinance would have been adopted if such unconstitutional provision was not included.
1680

1681 **SECTION SIX: CODIFICATION AND SCRIVENER'S ERRORS**

1682
1683 The Village Council intends that this ordinance will be made part of the Village of Estero Land
1684 Development Code. Sections of this ordinance can be renumbered or relettered and the word
1685 "ordinance" can be changed to "section", "article," or other appropriate word or phrase to
1686 accomplish codification, and regardless of whether this ordinance is ever codified, the
1687 ordinance can be renumbered or relettered and typographical errors that do not affect the intent
1688 can be corrected with the authorization of the Village Administrator or his designee, without
1689 the need for a public hearing.
1690

1691 **SECTION SEVEN: MODIFICATION**

1692
1693 It is the intent of the Village Council that the provisions of this Ordinance may be modified as
1694 a result of consideration that may arise during Public Hearing(s). Such modifications shall be
1695 incorporated into the final version.
1696

1697 **SECTION EIGHT: EFFECTIVE DATE**

1698
1699 This ordinance shall take effect immediately upon its adoption. The provisions of this
1700 ordinance will apply to all projects or applications subject to the LDC unless the development
1701 order application for such project is complete or the zoning request is found sufficient before
1702 the effective date.
1703

1704 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this ____ day
1705 of September, 2015.
1706

1707 Attest:

VILLAGE OF ESTERO, FLORIDA

1708
1709
1710 By: _____

1711 Kathy Hall, MMC
1712 Village Clerk
1713
1714
1715
1716
1717

By: _____

Nicholas Batos
Mayor

1718	Reviewed for legal sufficiency:		
1719			
1720			
1721	By: _____		
1722	Burt Saunders, Esq.		
1723	Village Attorney		
1724			
1725			
1726	Vote:	AYE	NAY
1727			
1728	Mayor Batos	_____	_____
1729	Vice Mayor Levitan	_____	_____
1730	Councilmember Boesch	_____	_____
1731	Councilmember Brown	_____	_____
1732	Councilmember Errington	_____	_____
1733	Councilmember Ribble	_____	_____
1734	Councilmember Wilson	_____	_____